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PATENT

(Practitioner's Docket No. IN- 5555)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Ulrike RÖCKRATH et al.

Serial No.: 10/049,606

Filed: February 14, 2002

Group Art Unit: not yet assigned

Examiner: not yet assigned

For: COATING MATERIAL AND ITS USE FOR PRODUCING HIGHLY SCRATCH RESISTANT  
MULTILAYER TRANSPARENT LACQUERSAssistant Commissioner of Patents  
Washington, D.C. 20231CERTIFICATE OF FACSIMILE TRANSMISSIONI hereby certify that the following PAGES are being facsimile transmitted to the Patent and  
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(X) Communication For Submitting the English Translation  
Of The International Preliminary Examination Report  
In Triplicate

03 Pages

(X) English Translation Of The International Preliminary  
Examination Report

05 Pages

Total Pages

08 Pages

Date: April 23, 2002

Sandra Barry

(Typed or printed name of person signing certification)

*Sandra Barry*

Signature

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**PATENT**

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Ulrike RÖCKRATH et al.

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MULTILAYER TRANSPARENT LACQUERS

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GROUP 1700

Official

**COMMUNICATION FOR SUBMITTING THE ENGLISH TRANSLATION OF THE  
INTERNATIONAL PRELIMINARY EXAMINATION REPORT**Hon. Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

Submitted herewith is a copy of the English Translation of the International  
Preliminary Examination Report for the above-mentioned patent application.Applicant believes that no fee is required for submitting the English Translation of the  
International Preliminary Examination Report. However, if applicant has inadvertently  
overlooked the need for a fee the Commissioner is hereby authorized to charge any  
additional fees or credit any overpayment to Deposit Account No. 23-3425.This form is submitted in triplicate.

Respectfully Submitted,

*Michael F. Morgan 4-2302*  
Michael F. Morgan  
Registration No. 42,906Date: April 23, 2002  
BASF Corporation  
26701 Telegraph Road  
Southfield, Michigan 48034-2442  
(248)-948-2355

Customer No. 25922

## PATENT COOPERATION TREATY

## PCT

NOTIFICATION OF TRANSMITTAL  
OF COPIES OF TRANSLATION  
OF THE INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT

(PCT Rule 72.2)

From the INTERNATIONAL BUREAU

To:

B'arb: *W. (NO)*FITZNER, Uwe 14. März 2002  
Linterfer Str. 10  
40878 Ratingen  
ALLEMAGNE  
Frist: *8.10.2002*  
Vtg: *8.10.2002*

Date of mailing (day/month/year) 06 March 2002 (06.03.02)	
Applicant's or agent's file reference PAT99180PCT ✓	IMPORTANT NOTIFICATION
International application No. PCT/EP00/07990 ✓	International filing date (day/month/year) 16 August 2000 (16.08.00)
Applicant BASF COATINGS AG et al	

## 1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

## 2. Transmittal of the copy of the translation to the elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

JP,US

The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

EP,BR

## 3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Juan CRUZ
Facsimile No. (41-22) 740.14.35	Telephone No. (41-22) 336.83.38

**Translation**

**PATENT COOPERATION TREATY**

**PCT**

**INTERNATIONAL PRELIMINARY EXAMINATION REPORT**

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>PAT99180PCT</b>	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. <b>PCT/EP00/07990</b>	International filing date (day/month/year) <b>16 August 2000 (16.08.00)</b>	Priority date (day/month/year) <b>16 August 1999 (16.08.99)</b>
International Patent Classification (IPC) or national classification and IPC <b>C09D 131/08</b>		
Applicant <b>BASF COATINGS AG</b>		

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of <u>      </u> sheets.</p>	
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability, citations and explanations supporting such statement</p> <p>VI <input checked="" type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>	

Date of submission of the demand <b>08 February 2001 (08.02.01)</b>	Date of completion of this report <b>10 July 2001 (10.07.2001)</b>
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP00/07990

## I. Basis of the report

1. This report has been drawn on the basis of (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not amended to the report since they do not contain amendments):

☐ the international application as originally filed.

☒ the description, pages 1-65, as originally filed,  
pages \_\_\_\_\_, filed with the demand,  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_,  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_.

☒ the claims, Nos. 1-17, as originally filed,  
Nos. \_\_\_\_\_, as amended under Article 19,  
Nos. \_\_\_\_\_, filed with the demand,  
Nos. \_\_\_\_\_, filed with the letter of \_\_\_\_\_,  
Nos. \_\_\_\_\_, filed with the letter of \_\_\_\_\_.

☐ the drawings, sheets/fig \_\_\_\_\_, as originally filed,  
sheets/fig \_\_\_\_\_, filed with the demand,  
sheets/fig \_\_\_\_\_, filed with the letter of \_\_\_\_\_,  
sheets/fig \_\_\_\_\_, filed with the letter of \_\_\_\_\_.

## 2. The amendments have resulted in the cancellation of:

☐ the description, pages \_\_\_\_\_

☐ the claims, Nos. \_\_\_\_\_

☐ the drawings, sheets/fig \_\_\_\_\_

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

## 4. Additional observations, if necessary:

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP 00/07990

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

## 1. Statement

Novelty (N)	Claims	1-17	YES
	Claims		NO
Inventive step (IS)	Claims	1-17	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-17	YES
	Claims		NO

## 2. Citations and explanations

D1: WO 00 50178 A (BAUMGART HUBERT; FARWICK THOMAS (DE);  
BASF COATINGS AG (DE); ROECK) August 31, 2000

D2: WO 00 26309 A (POTH ULRICH; BAUMGART HUBERT (DE);  
FARWICK THOMAS (DE); ZUMBRINK A) May 11, 2000

D3: WO 96 38490 A (BASF LACKE ET FARBEN; BRUENNEMANN  
MICHAEL (DE); BORGHOLTE HARALD (D), December 5, 1996

D4: EP-A-0 284 679 (DU PONT) October 5, 1998

D5: US-A-4 873 298 (RYNTZ ROSE A) October 10, 1989

D6: US-A-4 766 185 (RYNTZ ROSE A ET AL) August 23, 1988.

1. D3 to D6 only represent technological background which cannot suggest the present coating material and multilayer transparent lacquer or the associated methods (PCT Article 33(3)).

The present coating materials provide multilayer lacquers with increased scratch resistance, improved adherence, etc., as shown in the tables on pages 61/62 and 64 of the description.

These results are seen as surprising and support the existence of the required inventive step.

APR. 23 '2002 07:27 248948209  
15/03/2002 - 16:42

BASF SOUTHFIELD LEGAL  
Dr. Fitzner & Münch → 00012489482093

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**INTERNATIONAL PRELIMINARY EXAMINATION REPORT**

International application No.

PCT/EP 00/07990

**Supplemental Box**

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of VI

2. D1 and D2 are intermediate documents.